

**haynes****boone**  
Are you changing?  
www.haynesboone.com

**HAYNES AND BOONE, LLP**  
**Fax Transmittal**

**DATE:** April 15, 2002

Total Pages Including Cover: 7

---

**TO:** S. Mark Clardy **Company:** U.S. Patent and Trademark Office  
**Fax #:** 703.308.7924 or 703.308.7922 **Phone #:** 703.308.4550  
**Client/Matter #:** 12964.18

---

**FROM:** Randall C. Brown **Haynes and Boone, LLP**  
**I.D. #:** 8217 901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
**Direct Phone #:** 214.651.5242  
**Direct Fax #:** 214.200.0802 **Main Phone #:** (214) 651-5000  
**E-Mail:** brownra@haynesboone.com **Main Fax #:** (214) 651-5940

---

Should you have any problems with this transmittal, please call: 214.651.5105

---

**MESSAGE:**

**Applicant:** Hassan Jomaa

**Serial No.:** 09/720,380

**Filed:** December 20, 2000

**For: COMBINED PREPARATION OF ANTI-INFECTIOUSLY ACTIVE COMPOUNDS  
WHICH INHIBIT THE 2-C-METHYLERTHROSE-4 METABOLIC PATHWAY,  
AND INHIBITORS OF LIPID METABOLISM**

**Confidentiality Note:** The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. The term "privileged and confidential" includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this facsimile is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, or distribution of this communication is unauthorized. If you have received this message in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

PATENT / DOCKET NO. 12964.18  
CUSTOMER NO. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Hassan Jomaa

**Serial No.: 09/720,380**

Filed: December 20, 2000

For: COMBINED PREPARATION OF ANTI-  
INFECTIOUSLY ACTIVE COMPOUNDS WHICH  
INHIBIT THE 2-C-METHYLEERYTHROSE-4  
METABOLIC PATHWAY, AND INHIBITORS  
OF LIPID METABOLISM

**Group Art Unit: 2374**

**Examiner: Clardy, S.**

Box Non-Fcc Amendment  
Commissioner for Patents  
Washington, D.C. 20231

**Sir:**

Enclosed for filing is an Amendment in the above-identified application.

- ☐ Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.  
☐ A verified statement to establish small entity status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.  
☒ No additional fee is required.

**The fee has been calculated as shown below:**

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY		
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE.	OR	RATE	ADDITIONAL FEE
TOTAL	*112	minus	**112	=	-0-	x 9	\$	OR	x 18	\$
INDEP	*2	minus	***2	=	-0-	x 42	\$	OR	x 84	\$
[ ]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 140	\$	OR	+ 280	\$
						TOTAL	\$	OR	TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

( ) Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

A check in the amount of \$\_\_\_\_\_ is attached.

[X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-1394.

☒ Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 C.F.R. § 1.17.

[ X ] A copy of this sheet is enclosed.

~~Respectfully submitted,~~

**Randall C. Brown**  
Reg. No. 31,213

Date: April 15, 2002  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, TX 75202-3789  
Phone: 214/651-5242  
Fax: 214/200-0802

PATENT / DOCKET NO. 12964.18

**Customer No.: 000027683**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#4  
HKD  
4-18.02

In re application of:  
Hassan Jomaa

**Serial No.: 09/720,380**

Filed: December 20, 2000

**For: COMBINED PREPARATION OF ANTI-  
INFECTIOUSLY ACTIVE COMPOUNDS  
WHICH INHIBIT THE 2-C-  
METHYLERYTHROSE-4 METABOLIC  
PATHWAY, AND INHIBITORS OF  
LIPID METABOLISM**

www.elsevier.com/locate/jmb

Group Art Unit: 2374

Examiner: Clardy, S.

# CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as attached or enclosed) is being facsimile transmitted to Technology Center 3700 at the United States Patent and Trademark Office on April 15, 2002.

## RESPONSE TO OFFICE ACTION

Commissioner for Patents  
Washington, DC 20231

Sir:

The present paper is submitted as a complete response to the Office action mailed March 15, 2002, having a shortened period for response, which expires on April 15, 2002. The present paper is therefore timely filed; however, should an extension of time be required, this paper constitutes such a request. Should any fees under 37 C.F.R. §§1.16 to 1.21 be deemed necessary for the filing of the present document, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 08-1394.

**REMARKS**

## **I. Status of the Application**

Claims 1-23 are pending herein. The present Office action alleges that the above-captioned application lacks unity of invention under 37 C.F.R. §1.475. The Office action maintains that the inventions listed in the Office action as Groups II-XII do not relate to a single